

07-02-01

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****CERTIFICATE OF EXPRESS MAILING**

Attorney Docket No. NAI1P009/01.114.01

First Named Inventor:

James S. Magdych**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR § 1.53(b))**

Assistant Commissioner for Patents  
 Box Patent Application  
 Washington, DC 20231

☐ Duplicate for  
 fee processing

Sir: This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of inventors:  
 James S. MAGDYCH, Tarik RAHMANOVIC, John R. McDONALD, Brock E. TELLIER,  
 Anthony C. OSBORNE, and Nishad P. HERATH

For: **SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR IMPROVED EFFICIENCY IN NETWORK  
 ASSESSMENT UTILIZING A PORT STATUS PRE-QUALIFICATION PROCEDURE**

Application Elements:

- ☒ 20 Pages of Specification, Claims and Abstract  
☒ 06 Sheets of Drawings  
☒ 15 Pages Combined Declaration and Power of Attorney

Accompanying Application Parts:

- ☒ Assignment and Assignment Recordation Cover Sheet (recording fee of **\$40.00** enclosed)  
☐ 37 CFR 3.73(b) Statement by Assignee  
☐ Information Disclosure Statement with Form PTO-1449  
☐ Copies of IDS Citations  
☐ Preliminary Amendment  
☒ Return Receipt Postcard  
☐ Small Entity Statement(s)  
☒ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)  
☐ Other:

Fee Calculation (37 CFR § 1.16)

	(Col. 1)	(Col. 2)	SMALL ENTITY		OR	LARGE ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE			\$355	\$	OR	\$710	\$ 710
TOTAL CLAIMS	<u>23</u>	-20 = <u>03</u>	x09 =	\$	OR	x18 =	\$ 54
INDEP CLAIMS	<u>05</u>	-03 = <u>02</u>	x40 =	\$	OR	x80 =	\$ 160
[ ] Multiple Dependent Claim Presented			\$135 =	\$	OR	\$270 =	\$ 00
* If the difference in Col. 1 is less			Total	\$	OR	Total	<u>\$924</u>
than zero, enter "0" in Col. 2.							

06/29/01  
 JC355 U.S. PTO  
 EL893942261US

jc821 U.S. PTO  
 09/895535  
 06/29/01

☒ Check No. \_\_\_\_\_ in the amount of **\$964.00** is enclosed.

☐ No check enclosed, please charge Deposit Account No. 50-1351

☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-1351 (Order No. NAI1P009).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-1351 (Order No. NAI1P009).

☒ Please send correspondence to the following address:

Silicon Valley IP Group  
P.O. Box 721120  
San Jose, CA 95172-1120

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28875

PATENT TRADEMARK OFFICE

Date:

06/29/01

Kevin J. Zilka  
Registration No. 41,429

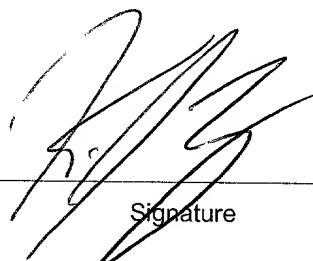
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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	James S. MAGDYCH, et al.	
Title	System, Method and Computer Program Product for Improved Efficiency in Network Assessment Utilizing A Port Status Pre-Qualification Procedure	
Atty Docket Number	NAIIP009/01.114.01	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

66/27/01  
Date

  
Signature

Kevin J. Zilka, Reg. No. 41,429

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

T.O. 630 "963650